



Ecorse Creek Inter-Municipality Committee
Memorandum of Agreement

**MEMORANDUM OF AGREEMENT FOR CREATION OF
THE ECORSE CREEK INTER-MUNICIPALITY COMMITTEE**

June 2003

I. PURPOSE

It is the purpose of this Memorandum Agreement to set forth the composition, duties and responsibilities of the Ecorse Creek Inter-Municipality Committee (“ECIC”) to be formed pursuant to the Inter-Municipality Committees Act, PA 1957, No. 200 (MCL 123.631, et seq.) (the “Act”) to coordinate and facilitate the study, development, preparation and timely filing with the Michigan Department of Environmental Quality (“MDEQ”) of an Ecorse Creek Watershed Management Plan as part of the required NPDES Phase II stormwater compliance.

II. HISTORY

The Ecorse Creek Pollution Abatement Drain is a Wayne County drain located in or tributary to the following Municipalities and/or political subdivisions:

Wayne County Metropolitan Airport Authority (“Authority”)
City of Allen Park
City of Dearborn Heights
City of Ecorse
City of Inkster
City of Lincoln Park
City of Romulus
City of Southgate
City of Taylor
City of Wayne
City of Westland
City of Wyandotte

The Authority and the Cities are hereafter collectively referred to as the “Municipalities.”

The Municipalities formed the Ecorse Creek Watershed Advisory Group (“ECWAG”) in August, 1999 whose mission is to provide:

“An Ecorse Creek Watershed and riverine corridor system that is aesthetically pleasant, clean, healthy and safe so that watershed residents and visitors can enjoy an improved quality of life, with reduced risk of flooding and better coordination of stormwater management throughout the region.”

In furtherance of the mission, among other activities, the Municipalities filed an application with the MDEQ to proceed with the NPDES Phase II Stormwater Compliance pursuant to applicable federal and state law. An initial requirement of this compliance is to study, develop, prepare and timely file an Ecorse Creek Watershed Management Plan within approximately two (2) years following the date of issuance of the Certificate of Coverage.

III. COMMITTEE

1. **Term.** The ECIC shall be in existence for a period of two years commencing July 1, 2003 or until an Ecorse Creek Watershed Management Plan is filed with and approved by the MDEQ, whichever is later.

2. **Composition.** The ECIC shall consist of one representative of each City, the Authority and/or Wayne County which has formally adopted the resolution and accepted the terms and conditions of this Memorandum Agreement (“ECIC Member”). Each ECIC Member shall also designate an alternate representative. Each ECIC Member shall be entitled to one voting representative and other non-voting observers of the ECIC member in attendance at each meeting of the ECIC. The ECIC shall annually

elect by majority vote a chairperson, vice-chairperson and a secretary to serve for a term of one year.

3. Meetings. The ECIC shall meet at least once a quarter during the term of this Memorandum Agreement. The chair or vice-chair shall call the meetings, establish agendas, establish subcommittees and perform other functions as needed to assist the ECIC in meeting its responsibilities. Meeting notices will be prepared and sent by the chair (or vice-chair) to all ECIC Members at least two weeks prior to each meeting. The responsibility for preparing minutes and meeting summaries will be agreed upon by the ECIC Members at each meeting and sent to ECIC Members prior to the next scheduled meeting. In addition to the ECIC Members, notices of the meetings shall be provided to all invited guests including nested jurisdictions located within each of the boundaries of the ECIC Members, the Michigan Department of Transportation, those listed as non-voting members in the operational procedures of ECWAG dated August 25, 1999 and any other entity which the chair or a majority of the ECIC Members designate. These invited guests may participate in the ECIC meetings to the extent reasonably allowed by the chair.

4. Responsibilities.

a. The ECIC recognizes that compliance with NPDES Phase II stormwater regulations and, in particular, the study, development, preparation and filing of an Ecorse Creek Watershed Management Plan including a component for Total Maximum Daily Load (“TMDL”) is a problem of mutual interest and concern.

b. The ECIC further recognizes the need to timely formulate and file the Ecorse Creek Watershed Management Plan with the MDEQ.

c. The ECIC may employ personnel, including technical and/or engineering consultants selected through an RFP process or selected in some other manner as agreed upon by a majority of the ECIC Members, to conduct surveys and studies related to the Watershed Management Plan, to develop and prepare an Ecorse Creek Watershed Management Plan and to take any other action authorized by the ECIC consistent with the Act.

d. The ECIC shall, by a majority vote of all of the ECIC Members, approve the Ecorse Creek Watershed Management Plan and authorize its filing with the MDEQ.

e. The ECIC shall make an annual report of its activities to the several ECIC Members governing bodies.

f. The ECIC may take all other action as may be necessary consistent with the Act.

5. Voting. Each ECIC Member shall have one vote on each matter voted upon by the ECIC, provided however that the ECIC Members shall use their best efforts to arrive at a consensus on all matters submitted to the ECIC. A quorum constituting a majority of the voting representatives or their designated alternates of the ECIC shall be required to conduct business. All formal actions taken by the ECIC will be by a simple majority vote of the representatives constituting a quorum, except for the amendment of this Memorandum Agreement which shall require a unanimous vote of all ECIC Members. All decisions of the ECIC will be recorded and distributed to all ECIC Members. In all documents or issues acted upon by the ECIC (including the Ecorse Creek Watershed Management Plan), an opportunity will be provided for those ECIC

Members dissenting from the majority decision to provide a written addendum to the decision outlining reasons for their disagreement or opposition.

IV. FUNDING

1. Pursuant to MCL 123.634, the governing bodies of the ECIC Members shall authorize the allocation of municipal funds to cover expenses of the ECIC. The expenses of the ECIC shall be solely related to the study, development, preparation and filing of the Ecorse Creek Watershed Management Plan which expenses shall not exceed the total sum of Two Hundred Thousand (\$200,000.00) Dollars (the “ECIC Fund”).

2. Each ECIC Member shall pay its proportional share of the ECIC Fund. Each share is calculated based upon both the ECIC Member community’s acreage within the Ecorse Creek Watershed and by the population within that acreage. The following is a table indicating ECIC Member proportional shares:

Wayne County Metropolitan Airport Authority:	2.7%
City of Allen Park:	13.1%
City of Dearborn Heights:	7.9%
City of Ecorse:	2.8%
City of Inkster:	1.1%
City of Lincoln Park:	13.6%
City of Romulus:	22.4%
City of Southgate:	3.0%
City of Taylor:	30.4%
City of Wayne:	0.1%
City of Westland:	2.3%
City of Wyandotte:	0.7%
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	100%

3. Pursuant to MCL 123.635, an ECIC Member may receive a credit toward its required contribution to the ECIC Fund, based upon its providing services of personnel, use of equipment and office space, and other services. The amount of the credit shall be subject to approval of the ECIC members.

4. Pursuant to MCL 123.636 the ECIC may accept gifts and grants from federal, state and local governments as well as from private individuals, foundations or agencies provided that these contributions are made in furtherance of the objectives and purposes of ECIC.

5. The individual share of the ECIC Fund for each ECIC Member shall be paid in full by each ECIC Member within sixty (60) days of the formal approval of the Resolution. Failure to make timely payment shall result in: (a) the Municipality's automatic removal from the ECIC as a Member and (b) forfeiture of further right to participate or be included in or benefit from the Ecorse Creek Watershed Management Plan.

6. The County of Wayne shall act as the fiduciary of the ECIC fund and shall administer the same without charge and at the direction of the ECIC.

V. RESOLUTION

The Cities, the Authority and Wayne County entering into this Agreement shall do so by the passage of a formal Resolution and the timely payment of its proportionate share of the ECIC fund.

AMENDMENT NO. 1
MEMORANDUM OF AGREEMENT FOR CREATION OF
THE ECORSE CREEK INTER-MUNICIPALITY COMMITTEE

January 28, 2005

Sections II and IV(2) of the Memorandum of Agreement for Creation of the Ecorse Creek Inter-Municipality Committee dated June 2003 (MOA) is amended to add the City of Melvindale as a participating member and to delete the City of Wayne as a participating member. Section IV(2) of the MOA is amended to clarify the methodology for determining each member's proportional share of the ECIC Fund. Other than the January 28, 2005 Amendment, the June 2003 MOA shall remain in full force and effect and the parties' respective rights, interests and obligations in the June 2003 MOA shall not otherwise be affected by this Amendment.

II. MEMBERS AND HISTORY (AS AMENDED IN BOLD)

The Ecorse Creek Pollution Abatement Drain is a Wayne County drain located in or tributary to the following Municipalities and/or political subdivisions:

Wayne County Metropolitan Airport Authority ("Authority")
City of Allen Park
City of Dearborn Heights
City of Ecorse
City of Inkster
City of Lincoln Park
City of Melvindale
City of Romulus
City of Southgate
City of Taylor
~~City of Wayne~~
City of Westland
City of Wyandotte

The Authority and the Cities are hereafter collectively referred to as the “Municipalities.”

The Municipalities formed the Ecorse Creek Watershed Advisory Group (“ECWAG”) in August 1999 whose mission is to provide:

“An Ecorse Creek Watershed and riverine corridor system that is aesthetically pleasant, clean, healthy and safe so that watershed residents and visitors can enjoy an improved quality of life, with reduced risk of flooding and better coordination of stormwater management throughout the region.”

In furtherance of the mission, among other activities, the Municipalities filed an application with the MDEQ to proceed with the NPDES Phase II Stormwater Compliance pursuant to applicable federal and state law. An initial requirement of this compliance is to study, develop, prepare and timely file an Ecorse Creek Watershed Management Plan within approximately two (2) years following the date of issuance of the Certificate of Coverage.

IV. FUNDING (AS AMENDED IN BOLD)

2. Each ECIC Member shall pay its proportional share of the ECIC Fund **as set forth in Exhibit A, which is attached and made part of this Amended Agreement.** Each share is calculated based upon ~~both~~ the ECIC Member community’s acreage within the Ecorse Creek Watershed ~~and by the population within that acreage.~~ **The Charter County of Wayne, pursuant to Section IV.3 of this agreement, will provide fiduciary services in lieu of a cash contribution to the ECIC Fund.** The following is a table indicating ECIC Member proportional shares:

Wayne County Airport Authority:	3.0%
Wayne County	In-kind services
City of Allen Park:	12.9%
City of Dearborn Heights:	7.7%
City of Ecorse:	2.4%

City of Inkster:	1.0%
City of Lincoln Park:	13.5%
City of Melvindale:	0.4%
City of Romulus:	22.8%
City of Southgate:	2.8%
City of Taylor:	30.4%
City of Westland:	2.4%
City of Wyandotte:	0.6%
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	100.0%

EXHIBIT A

Ecorse Creek Inter-Municipality Committee Cost Allocation Amendment No. 1: January 28, 2005

COMMUNITY	Area (acres)	Percent total watershed area	Apportionment Of ECIC Fund (\$200,000)
ALLEN PARK	3,596	12.9%	\$25,881
DEARBORN HEIGHTS	2,151	7.7%	\$15,481
ECORSE	670	2.4%	\$4,820
INKSTER	265	1.0%	\$1,905
LINCOLN PARK	3,758	13.5%	\$27,047
MELVINDALE	123	0.4%	\$885
ROMULUS	6,329	22.8%	\$45,545
SOUTHGATE	790	2.8%	\$5,688
TAYLOR	8,436	30.4%	\$60,705
WAYNE	0	0.0%	\$0
WESTLAND	671	2.4%	\$4,832
WYANDOTTE	180	0.6%	\$1,296
WAYNE COUNTY AIRPORT AUTHORITY	822	3.0%	\$5,915
WAYNE COUNTY	NA	NA	In Kind Services
TOTAL	27,792	100.0%	\$200,000

Notes:

(1) The area of the watershed and the watershed areas within each community was revised from values in the Memorandum of Agreement due to field verification of the North Branch Ecorse Creek Drainage District in the fall of 2004. The new watershed boundary was adopted by the ECIC on 6 December 2004.

(2) Wayne County will pay their assessment as in-kind services through their role as fiduciary for the Ecorse Creek Inter-Municipality Committee fund